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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/936,344	09/24/1997	PAUL MICHAEL EMBREE	080398.P115	9648

7590 08/12/2003

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EXAMINER

HARVEY, MINSUN OH

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 08/12/2003

29

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
08/936,344

Applicant(s)
Michael Embree

Examiner
MINSUN HARVEY

Art Unit
2644



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 2, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4 and 6-15 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 6-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2 to 4 and 6 to 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Van Nostrand.

Chen discloses a system having first and second buses for processing real-time audio data from a plurality of audio channels, the system comprising: a first processor (10) and a second processor (11) coupled to the first and second buses (13-16), respectively; a plurality of memory banks of semiconductor memory devices coupled to the first and second buses for storing the audio data (12), the plurality of memory banks being accessible to the first and second processors for operating selected from the group comprising read and write operations (col. 11, lines 18 to 34); the first processor performs a read operation on a first memory bank and the second processor performs a write operation on a second memory bank (col. 5, lines 11 to 19). Chen does not disclose the plurality of memory banks storing subsets of data, the subsets corresponding to different groups of channels; and a plurality of selectors coupled to the first and second buses to select the memory banks for access by one of the first and second processors.

Van Nostrand discloses a semiconductor memory devices which is comprised of storing subsets of data, wherein the subsets corresponding to different groups of channels (page 4, line

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30 to page 5, line 2); a plurality of selectors which include a plurality of address multiplexers and data transceivers (page 5, line 33 to page 6, line 19); the subsets are stored in the memory banks in an interleaving manner (page 6, line 35 to page 7); and storing comprises storing one of the subsets of data in one of the memory banks (storing data in memory array in bank a), the method further comprising reading stored audio data from a second of the memory banks (reading the data from a memory array in bank B). Since Van Nostrand has disclosed using subsets corresponding to different groups of data channels, it would have been obvious to combine Van Nostrand's teaching of memory banks with Chen because by implementing using subsets corresponding to different groups of data channels, the system would be able to handle a continuous stream of data at a high rate of speed. Chen as modified do not disclose that the system is being used for an audio data. However, even though Chen as modified do not disclose that the system is being used for an audio data, it would have been obvious to one skill in the art to use the system of Chen as modified in storing an audio data as claimed because it is well known in the art that a software designer could set a system where a system would store/read different kinds of data.

3. This is in response to the applicant's remark which was received on June 2, 2003.

On page 5, lines 8 to 9, the applicant has argued that "Chen does not disclose storage of real-time audio data associated with audio channels". As described above, the Examiner acknowledges that Chen reference does not disclose storing audio data. However, having data as disclosed by Chen, as audio data would have been obvious because audio data is well known

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type of data which is stored in and retrieved from a memory and processed by a processor within a computer system.

On page 5, line 10 to page 7, the applicant has argued that “the combination of Chen in view of Van Nostrand would teach away from the claimed invention”. The applicant’s argument is not persuasive because Van Nostrand reference was combined with Chen to show storing subsets of data. The Examiner agrees that Chen as modified does not explicitly disclose that the data is “an audio data”. However, substituting audio as data in Chen as modified would have been obvious because there are many different types of data which are processed within a computer system and an audio is a well known type of data.

On page 6, lines 8 to 14, the applicant has argued that “Van Nostrand, therefore, differs from the claimed invention in at least two aspects: (1) Van Nostrand does not disclose different groups of channels, only digitized images; and (2) The data stream is for image data, not corresponding to audio data”. The examiner agrees that Van Nostrand reference discloses only digitized images. However, as described above, substituting the data with the audio data would have been obvious.

The Examiner maintains the rejection as set forth above.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Minsun Oh Harvey** whose telephone number is **(703) 308-6741**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Bill Isen**, can be reached at **(703) 305-4386**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

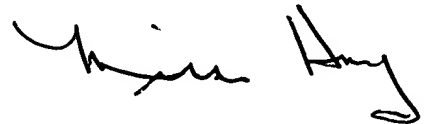
Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist)

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Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read "Minsun Oh Harvey". The signature is fluid and cursive, with the first name "Minsun" and last name "Harvey" clearly distinguishable.

**MINSUN OH HARVEY
PRIMARY EXAMINER**